

DRAFT

Minutes of the County Commissioners of Worcester County, Maryland

September 17, 2024

Anthony W. Bertino, Jr., president
Madison J. Bunting, Jr., vice president
Caryn G. Abbott
Theodore J. Elder
Eric J. Fiori
Joseph M. Mitrecic
Diana Purnell

Following a motion by Commissioner Abbott, seconded by Commissioner Bunting, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Weston Young, Deputy Chief Administrative Officer Candace Savage, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Health Officer Becky Jones, Fire Marshal Matt Owens, Environmental Programs Director Bob Mitchell, Emergency Services Deputy Director James Hamilton, and Human Resources Director Stacey Norton and Deputy Director Pat Walls. Topics discussed and actions taken included the following: personnel update; hiring Ian Burak as an intern in Environmental Programs and Maria McVey as an office assistant IV within Development Review and Permitting; transferring Deputy Sheriff Trainee Eric Weaver to correctional officer trainee, and other personnel matters, considering the acquisition of real property for a public purpose; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments and receiving an update on medical waste washing ashore on Maryland beaches.

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, the commissioners unanimously voted to adjourn their closed session at 10:13 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Reverend George Tasker of Abundant Life Apostolic Church of Pocomoke and pledge of allegiance, announced the topics discussed during the morning closed session.

The commissioners reviewed and approved the open and closed session minutes of their September 3, 2024 meeting as presented.

The commissioners presented a proclamation to Sharon Moak, regent for the General Levin Winder Chapter of the Daughters of the American Revolution, and other members recognizing September 17-23, 2024 as Constitution Week in recognition of the 237th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention.



The commissioners presented commendations to Maryland State Police Troopers First Class Robert Bradley and Chad Kreiling and Worcester County Sheriff's Office Deputies Earl Buffa and Mark Shayne for rescuing an individual from a burning car following its collision with a tanker truck carrying hazardous materials on August 4, 2024.

The commissioners presented commendations to Fire Marshal Matt Owens on behalf of the Worcester County Hazardous Materials (HAZMAT) Team and area firefighters, EMS, and police from multiple agencies for working cooperatively to protect the lives of residents and visitors. August 4, the Berlin Fire Department, Ocean Pines Volunteer Fire Department, Showell Volunteer Fire Department, Ocean City Volunteer Fire Department, Maryland State Police, Worcester County Sheriff's Office, Worcester County HAZMAT team, and Worcester County Emergency Services D Shift, Berlin Police Department, and Ocean Pines Police Department responded to a collision on U.S. Rt. 50 near MD Rt. 589 involving a passenger car and a tanker truck. The collision caused hazardous materials to spill from the tanker, and the car became engulfed in flames. Fire, EMS, and law enforcement personnel worked collectively from the time that 911 received the emergency call until the vehicle fire had been extinguished, a life had been saved, and the liquid chlorine spill had been cleaned up and no longer posed any threat to public safety.

Upon a motion by Commissioner Abbott, the commissioners unanimously approved by consent agenda item numbers 2-7 as follows: purchasing Omnisite dialers from Envirep for \$66,475 for use in nine pump stations at the Central Landfill; bid specifications to purchase a bale processor for use within the Solid Waste Division; applying for 911 Board grants of \$4,650 for IAED certification classes and ETC manuals for fall 2024 classes for five trainees and \$107,128 to purchase a pair of redundant voice logging recorders from Eastern Communications for use within Emergency Services; scheduling a public hearing to consider three applications to sell easements to the Maryland Agricultural Land Preservation Foundation for two State fiscal year application periods; scheduling a public hearing on Rezoning Case No. 446 for an application submitted by Attorney Mark Cropper, on behalf of Island Resort Park, Inc. and Ewell Family Revocable Trust, to rezone approximately 196.11 acres of land identified on Tax Map 40 as Parcel 241, Lot C and Parcel 93 from A-1 Agricultural District to A-2 Agricultural District. A

The commissioners met with Maryland Department of Transportation (MDOT) Secretary Paul J. Wiedefeld and local State Highway Administration (SHA) officials to discuss County projects included in the MDOT/SHA FY25-FY30 Maryland Consolidated Transportation Program budget of \$18.9 billion. In addition to Secretary Wiedefeld, MDOT staff in attendance included SHA Administrator Will Pines, Motor Vehicle Administration Administrator Chrissy Nizer, Director of Planning and Program Development Melissa Williams, Office of Local Transit Support Director Travis Johnston and Deputy Director Tanya Nichols, SHA District 1 Engineer Mark Crampton, and Maryland Aviation Administration Regional Aviation Director Ashish J. Solanki.

Mr. Wiedefeld stated that the FY25-FY30 budget was reduced by \$1.3 billion from the prior budget to present a balanced budget in light of reduced State revenues. He then discussed the significant budgetary challenges facing MDOT, but advised that Highway User Revenues had been restored to the counties.

Mr. Pines stated that safety remains the highest priority and announced that funding has been provided to expand pedestrian safety projects in the County at MD Rt. 528 at Coastal Highway. Additionally, in FY23 SHA upgraded 253 crosswalks at 96 intersections in Worcester County. He then highlighted local SHA projects, including a new signalized pedestrian crossing at MD Rt. 589 and Manklin Creek Road and at U.S. Rt. 113 and MD Rt. 346 in Whaleyville, as well as several resurfacing projects, including U.S. Rt. 113 business, which should be completed by December 2024, and repairing a sinkhole on the Fourth of July weekend at the MD Rt. 90 bridge. He announced that funding has been approved to develop a shared use path on MD Rt. 611 between West Ocean City and Assateague State Park. This includes a \$1.54 million Transportation Alternatives Program grant to design the first phase and a \$246,000 Kim Lamphier Bikeways Network Program grant to provide the match needed to unlock federal dollars and other grants.

Commissioner Bertino thanked Mr. Pines for upgrades to the crosswalk at Manklin Creek Road. He stated that MD Rt. 589 continues to be a challenge and asked what prognosis there is for improvements to that road. Mr. Pines advised that the larger project to improve MD Rt. 589 is unfunded at this time, and he stated that during last year's CTP the State had encouraged the County to reserve some of the right-of-way needed for the project. Commissioner Bertino stated that the County is reluctant to restrict private property until a State plan for the project becomes available.

Commissioner Mitrecic stated that Ocean City's safety depends on MD Rt. 90 being dualized and U.S. Rt. 50 being maintained. He stated that funding awarded during Governor Larry Hogan's term in office was taken away from the project and questioned when that funding will be restored.

In response to a question by Commissioner Abbott regarding installing a traffic signal at MD Rt. 366 and MD Rt. 113, Mr. Crampton stated that SHA completed the needed traffic study, but funding is not available for the project. Mr. Pines stated that the SHA program receives federal funding, which requires match funding. He then explained that the SHA must determine which project costs are federally eligible and can move forward or have certain ineligibilities, which cause them to be paused. He agreed to continue the analysis of this study as part of the design process. Commissioner Abbott stated that they have the traffic studies that show the number of accidents, which remain high, even with the installation of flashing lights and signage. She stated that with the addition of a Wawa at that location the traffic will continue to increase. She concluded that the signal is needed to improve safety and attract needed business to this depressed area.

Commissioner Fiori asked if the MD Rt. 90 project could move forward if a local match became available. Mr. Pines advised that a \$2.75 million local match is needed to move the project forward.

Ms. Williams discussed bay crossing plans. Mr. Johnston advised that \$8 million in operating and capital grants have been designated for Shore Transit and the Town of Ocean City. Ms. Nizer discussed the reduction in Motor Vehicle Administration wait times to five minutes, expansions to One Stop in Salisbury, the new Coastal Bays license plate, and highway safety initiatives to promote healthy driving habits and reduce traffic fatalities. In response to a question by Commissioner Bertino, Ms. Nizer confirmed that the cost of two-year vehicle registrations and the EMS surcharge had increased effective July 1.

Mr. Solanki discussed the findings of a recently completed economic study, which found that the Ocean City Municipal Airport provides over 400 jobs and the Salisbury (SBY) Regional Airport provides 1,400 jobs directly and indirectly. He advised that MAA is providing grant funding of \$700k to SBY for runway expansion.

Chief Administrative Officer Weston Young asked if there were opportunities for local matches to keep intersection design projects, such as MD Rt. 611 and Assateague Road, moving forward. Mr. Wiedefeld said the State would be open to having those conversations.

Senator Carozza thanked MVA for their work with the Maryland Coastal Bays Program (MCBP) on the new Coastal Bays license plate, noting that additional funds will go back to the MCBP. She also thanked SHA for completing certain road improvements and pushed for the project to dualize MD Rt. 90, which is needed for public safety, evacuation, and access.

Delegate Charles Otto thanked MDOT officials for this annual update, and he reminded State officials of the transportation challenges impacting the Lower Eastern Shore. He urged them to allocate the revenues needed to complete needed local roadway improvements.

The commissioners reviewed a request from Pocomoke City to repurpose unspent FY23-FY25 infrastructure grant funds for use in Restricted Infrastructure for infrastructure projects that include street and road repairs within the town. Chief Administrative Officer Weston Young reviewed the request and advised that the County also received an additional funding request from Pocomoke City Development Corporation (PCDC), a newly established 501C3, to complete restoration projects in Pocomoke City.

Commissioner Purnell stated that the commissioners have never taken money awarded to a municipality and given it to a private organization. In response to concerns raised by Commissioner Purnell, Mr. Young stated that Pocomoke City and the Town of Snow Hill receive infrastructure grants; however, funding is not released until either Pocomoke City or Snow Hill submit invoices for specific infrastructure projects to be paid for with these funds. If funds go unspent, the money goes back into the County's General Fund. He stated that the County encumbered FY23 and FY24 grant funding to Pocomoke City due to the significant turnover in leadership. However, phone calls and emails, from County staff to Pocomoke City officials, urging them to submit projects for reimbursement, went unreturned for a significant period of time. He concluded that only FY25 infrastructure grant funding of \$48,317 was requested within Pocomoke City's FY25 County grant request, and that is what the County approved. The previous two amounts technically would have gone back to the general fund, but staff had encumbered those amounts. Commissioner Purnell stated her understanding of that request, but noted that Pocomoke City is now requesting the FY23 and FY24 grants, which are needed for specific infrastructure projects.

Commissioner Abbott stated that she has made Pocomoke City officials aware over the years that this money was available, but they submitted no receipts for reimbursement. She stated that now these funds will be used to benefit the people of Pocomoke.

Upon a motion by Commissioner Abbott, the commissioners voted 5-2, with Commissioners Mitrecic and Purnell voting in opposition, to move the FY23 and FY24 grant money to the PCDC.

Pursuant to the recommendation of Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Mitrecic, the commissioners unanimously accepted the proposal from

Naples Restoration of \$40,171.97 to repair the pavilion at the Bishopville Park, which collapsed during a microburst on May 24, 2024. Funding for the repairs is being covered by the Local Government Insurance Trust, minus the County's \$1,000 deductible.

Pursuant to the recommendation of Procurement Officer Nicholas Rice and upon a motion by Commissioner Mitrecic, the commissioners unanimously authorized the renewal of a five-year lease for multifunction devices within the Health Department to Canon Solutions America through a cooperative contract at a cost of \$7,731.30, which resulted in a total five-year savings of \$219,183.15.

Pursuant to the request of Mr. Rice and Public Works Director Dallas Baker and upon a motion by Commissioner Abbott, the commissioners unanimously awarded the low bid to Bearing Construction for the Central Landfill Leachate Force Main and Cell 1 Pump Stations project at a cost of \$1,750,576, of which \$965,327.26 is for Cell 1 Pump Stations work and \$785,258.18 is related to the Leachate Force Main. The commissioners also awarded the contract for professional services for the project to EA Engineering, Science, and Technology, Inc. at a cost of \$124,523. The Leachate Force Main is needed to reduce the amount of pumping and hauling at the landfill. Currently, leachate is pumped and hauled to area wastewater treatment plants for processing. The force main will allow direct pumping of a significant portion of the leachate to the Newark Wastewater Treatment Plant. The cost to treat the leachate at Newark will be paid from Solid Waste revenue. In response to questions by Commissioner Elder, Mr. Baker stated that due to flow limitations at the Newark plant, this will not eliminate the need to pump and haul, but it will be reduced. Since 2015, \$2.1 Million has been spent pumping and hauling leachate.

Pursuant to the request of Development Review and Permitting Director Jennifer Keener and upon a motion by Commissioner Bunting, the commissioners voted 6-1, with Commissioner Bertino voting in opposition, to adopt Resolution No. 24-13 amending the Worcester County Comprehensive Plan Land Use Map for a change in the land use designation from Agricultural to Commercial Center for fifteen parcels identified on Tax Map 21 as Parcels 32, 71, 79, 83, 84, 87, 88, 94, 97, 110, 111, 114, 219, 265, and 276 to provide sufficient area for business, light industry, and other compatible uses that will serve the surrounding residential areas. Ms. Keener advised that the Planning Commission gave a favorable recommendation for the adoption of the change in land use designation for the specified parcels.

Pursuant to the request of Legislative Analyst Charlene Sharpe and upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to send a letter of opposition to the new Central Atlantic 2 (CA2) offshore wind area being proposed by the Board of Energy Management Central Atlantic Intergovernmental Task Force. The area consists of 13,476,805 acres located off the coasts of New Jersey, Delaware, Maryland, Virginia and North Carolina. BOEM is hosting a public meeting on CA2 at the Roland E. Powell Convention Center in Ocean City on September 24, and public comments will be accepted until Oct. 21.

Pursuant to the request of Emergency Services Deputy Director James Hamilton and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved a training

program agreement with RESCUETECHS, LLC for \$27,000 to provide specialized training for fire and emergency medical services personnel in Worcester County related to fires and entrapment emergencies involving grain bins and silos.

Commissioner Purnell stated that she was very upset that the commissioners relinquished over \$100,000 in County grant funds, which was meant for infrastructure within the Town of Pocomoke but was not used within a three-year period, to a brand new private 501C3 to build a building. She stated that the town needs all the infrastructure assistance it can get and suggested that Pocomoke City officials submit a request for funds equal to those lost to help with infrastructure.

Commissioner Mitrecic thanked Worcester County Sheriff's Office deputies for their participation in bike week, noted that the Town of Ocean City is no longer permitted to have seasonal police, so plans are being made to increase staffing levels, seek additional assistance from the WCSO, and increased County grant funds to help offset these increased costs. will have to increase its staff.

Commissioner Bertino stated that the county should take steps to establish special event zones during future bike week events in light of the emergency situations that transpired over the past 4-5 days of last week's event to protect County citizens moving forward. Commissioner Mitrecic stated that the Ocean City Special Event Traffic Task Force will discuss establishing a special event zone for future bike week events when they meet next week. The commissioners agreed by consensus for Commissioner Mitrecic to share the commissioners' position that it is necessary to establish a special event zone for future bike week events.

Commissioner Fiori thanked the community for rallying to support the family of Tyler Walsh, a Stephen Decatur High School student who was flown to Shock Trauma after being struck by a hit-and-run motorcyclist in Ocean City on Friday, September 13.

The commissioners answered questions from the press, after which they adjourned to meet in closed session.

Following a motion by Commissioner Bunting, seconded by Commissioner Mitrecic, the commissioners unanimously voted to meet in closed session at 11:33 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Weston Young, Deputy Chief Administrative Officer Candace Savage, County Attorney Roscoe Leslie, and Public Information Officer Kim Moses. Topics discussed and actions taken included receiving legal advice from council and performing administrative functions, to include discussing wastewater operations.

The commissioners adjourned their closed session meeting at 12:35 p.m. to meet again on October 1, 2024.